

AO91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

February 15, 2023

Nathan Ochsner, Clerk of Court

United States of America  
v.  
Marcus Tyler WASHINGTON

Case No.

**4:23-mj-304**

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Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 9, 2021 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S. Code § 1708

Theft or receipt of stolen mail matter

18 U.S. Code § 1344

Bank fraud

This criminal complaint is based on these facts:

See attached Affidavit by Postal Inspector Nicholas Underhill in support of this Criminal Complaint.

☒ Continued on the attached sheet.*Complainant's signature*

Nicholas Underhill, U.S. Postal Inspector

*Printed name and title*

Sworn to telephonically.

Date: 02/15/2023*Judge's signature*City and state: Houston, TX

Dena Hanovice Palermo, United States Magistrate Judge

*Printed name and title*

**4:23-mj-304**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Nicholas R. Underhill, being duly sworn, hereby depose and say:

1. Affiant is a Postal Inspector (PI) with the U.S Postal Inspection Service (USPIS) and have been so employed since February 2019. Affiant is currently assigned to the USPIS Financial Crimes Team, which is tasked with the investigation of complex mail theft crimes, including but not limited to, credit card fraud, money order fraud and identity theft. Affiant has gained experience in conducting such investigations through on the job training and everyday work-related investigations. Affiant has personally participated in investigations involving violations of federal law regarding mail theft and criminal groups that result from such unlawful activity. As a Postal Inspector, Affiant is authorized to investigate violations of the United States and to seek forfeiture of property under authority of the United States.

2. Affiant submits this affidavit in support of a Criminal Complaint charging Marcus Tyler **Washington** with violations of Title, 18 U.S. Code §1708 (Theft or receipt of stolen mail matter) and 18 U.S. Code § 1344 (Bank Fraud).

3. Because this affidavit is being submitted for the limited purpose of securing a Criminal Complaint, Affiant has not included each and every fact known by the Affiant concerning the ongoing investigation. This affidavit is based upon Affiant's personal knowledge, or from information obtained or provided via records, and interviews of witnesses and other law enforcement agents. Where statements of others are set forth in this affidavit, they are set

forth in substance and in part.

**BACKGROUND**

4. On or about February 14, 2023, your affiant reviewed Pasadena Police Department Incident Case Number 21-017960 regarding the investigation of Marcus Tyler **Washington**, with the date of birth of 1/3/2001 and Texas driver license number 43724889 by Pasadena Police Department Detective Frank Kiley regarding a check believed to be stolen from the mail, altered, and deposited into the Frost Bank account of Symone Lashun Merritt.

5. Your affiant reviewed the Incident Case Number 21-017960 from Detective Kiley and learned that Detective Kiley interviewed VICTIM A who issued check number 482 dated October 26, 2021, imprinted on VICTIM A's Frost Bank account in the amount of \$40.00 to the payee name Palais Royal. On November 5, 2021, VICTIM A placed the check into the mail at the Post Office located at 6100 Spencer Highway, Pasadena, TX 77505.

6. Your affiant's review of the statement of facts further showed that on November 10, 2021, VICTIM A received a phone call from a Frost Bank representative inquiring about check number 482 in the amount of \$4,632.00 dollars deposited into another Frost Bank account. VICTIM A notified the Frost Bank representative that the check was written for \$40.00 dollars. Frost Bank provided VICTIM A with a photocopy of check number 482 and VICTIM A observed the check was altered to the amount of \$4,632 dollars to the altered payee name of, "Symone Lashun Merritt" with the altered date of 11/8/2021. VICTIM A informed Detective Kiley that VICTIM A has no knowledge of anyone named "Symone Lashun Merritt", the date was altered to reflect a date of 11/8/2021, the amount was altered to \$4,632.00 dollars, and wording was added to the check that read, "early Christmas gift." VICTIM A further informed Detective Kiley that the endorsement on the reverse side of check



number 482 read, "S Merritt". VICTIM A provided a photocopy of the deposited check number 482 to Detective Kiley.

7. Your affiant's review of the statement of facts further showed that Detective Kiley conducted TCIC and NCIC checks for "Symone Lashun Merritt" and returned one result with personal identifiable information to include a date of birth and Texas driver license number. Detective Kiley obtained the signature related to the Texas driver license belonging to Symone Lashun Merritt and observed the signature appeared unique and read, "S Merritt," and looked like the endorsement on the reverse side of check number 482.

8. Your affiant's review of the statement of facts further showed that Detective Kiley requested bank records from Frost Bank regarding the deposit of check number 482 imprinted on the Frost Bank account of VICTIM A to include video evidence. Detective Kiley later received the bank records regarding the deposit of check number 482 imprinted on the Frost Bank account of VICTIM A and learned the check was deposited into Frost Bank account number 10 2534959 owned by Symone Lashun Merritt by an ATM deposit. Detective Kiley reviewed the ATM video evidence obtained by Frost Bank and noted that on November 9, 2021, a black male later identified as Marcus Tyler **Washington**, wore a unique pair of jeans, a hooded sweater with the hood on, with his face exposed, deposited the altered check number 482 into the Frost Bank ATM located inside the Frost Bank, 4606 N. Shepherd Dr., Houston, TX 77018. Shortly after **Washington** departed the bank, a white Lincoln MKZ with aftermarket rims and darkened window tint bearing Texas license plate number PSS4451 was observed on video surveillance departing the Frost Bank parking lot. Detective Kiley later conducted obtained TCIC/NCIC vehicle registration for Texas license plate number PSS4451 and returned the vehicle as a white 2017 Lincoln four door sedan registered to, "Marcus T Washington" with the

address of 1503 Roanwood, Houston, TX 77090.



Frost Bank ATM surveillance photo dated November 9, 2021  
regarding the deposit of check number 482





Still photo taken from Frost Bank video surveillance footage  
after the deposit of check number 482 on November 9, 2021

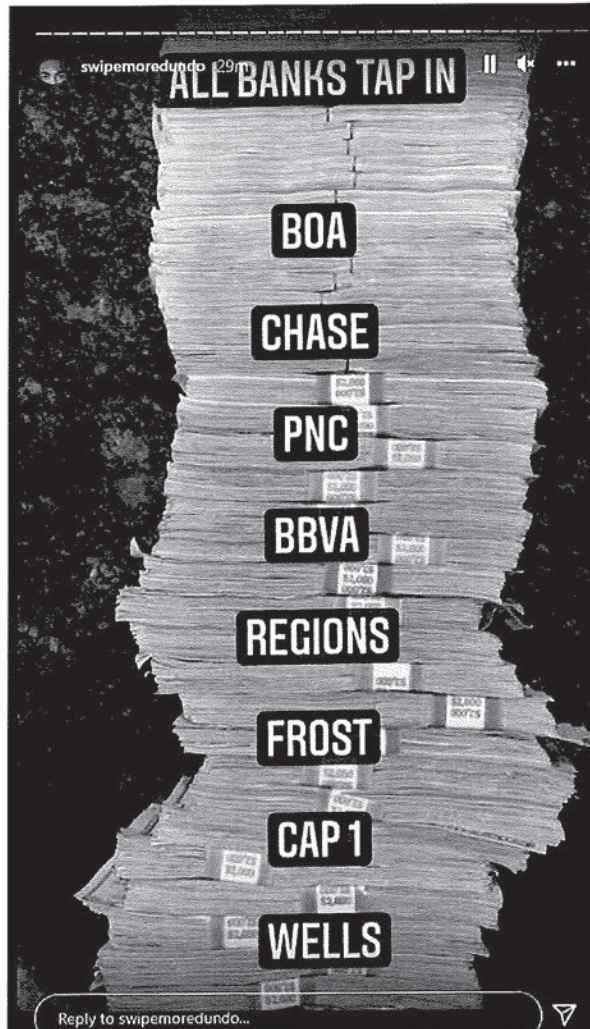
9. Your affiant's review of the statement of facts further showed that on December 21, 2021, Detective Kiley consulted with Huntsville Police Department Detective Mark Jenkins investigating a suspect named "Tyler", later identified as Marcus Tyler **Washington**, involved with a mail theft and check forgery case with **Washington** as the primary suspect. Detective Jenkins provided Detective Kiley with **Washington's** Instagram account name "swipemoredundo." Detective Kiley reviewed the public Instagram account for "swipemoredundo" and observed images with titles such as, "All Banks Tap In", "Lock in for Tomorrow Get You Paid Before Christmas," and "All Bank Accounts TAP IN, LETS GET ACTIVE." Detective Kiley observed one of the images depicted a large quantity of US currency. Detective Kiley observed that **Washington** appeared to be the same individual that made the deposit of the



Frost Bank check number 482 on November 9, 2021.



Instagram Photo of Washington posted on Instagram user  
"swipemoredundo"



Instagram Story posted by user "swipemoredundo"

10. Your affiant further learned from Pasadena Police Department report number 21-017960 that Detective Kiley compared the Texas driver license photo of Marcus Tyler **Washington** to the Frost Bank ATM deposit photos dated November 9, 2021, and the Instagram posts for user "swipemoredundo" and believed the person to be Marcus Tyler **Washington**. Your affiant further reviewed the same photos and believe the person to be Marcus Tyler **Washington**.

11. Your affiant further learned from Pasadena Police Department report number 21-017960 that on December 31, 2021,



Detective Kiley contacted Symone Lashun Merritt by telephone. Merritt confirmed her identity to Detective Kiley by confirming her date of birth. Merritt initially informed Detective Kiley that she never physically handled check number 482. Merritt stated she was contacted earlier in the year by a "friend" who advised her of an Instagram post to make "easy money". Merritt located the Instagram account and contacted the account owner who instructed Merritt to open a Frost Bank account. Merritt received the Frost Bank card in the mail later then she met in person with a female named "Deyzha" in a Kroger parking lot located on Farm to Market Road 1960 in either September or October 2021. Merritt provided the Frost Bank card to the female who was alone in a white Lincoln car. The female instructed Merritt to "check your account" prior to the female's departure. Merritt noticed funds available in her Frost Bank account and recalled approximately \$3,000.00 from CashApp. Merritt could not provide details regarding the Instagram account to Detective Kiley because Merritt deleted the Instagram messages.

12. According to the Pasadena Police Department report number 21-017960, Merritt further informed Detective Kiley during the same interview that Merritt met with "Deyzha" around one week later in the parking lot of a Frost Bank located on Farm to Market Road 1960. "Deyzha" drove the same white Lincoln as the previous meeting. "Deyzha" instructed Merritt to enter the Frost Bank and withdraw money from the account to which Merritt entered the bank and withdrew approximately \$1,500.00 dollars. "Deyzha" instructed Merritt to give her half of the money. Merritt informed Detective Kiley that Merritt kept \$1,000.00 dollars. Merritt advised that at no point did Merritt see a male accompanying "Deyzha" but Merritt admitted to Detective Kiley that Merritt was aware of a male involved.

13. According to the Pasadena Police Department report number

21-017960, Detective Kiley questioned Merritt during the same interview about the signature on the endorsement line of the check that appeared similar to the signature depicted on Merritt's Texas driver license to which Merritt stated she never had custody or saw the check. Merritt informed Detective Kiley that Merritt provided a photo of her Texas driver license to the Instagram account owner.

14. Based upon the totality of the foregoing facts and circumstances, Affiant believes that evidence of the violations of Title 18 U.S. Code §1708 (Theft or receipt of stolen mail matter) and Title 18 U.S. Code § 1344 (Bank Fraud), do exist, and that there is probable cause for the issuance of an arrest warrant for Marcus Tyler **Washington**.



NICHOLAS UNDERHILL  
United States Postal Inspector

Subscribed and sworn to telephonically in Houston, Texas, on this 15th day of February, 2023, and I do find probable cause.



DENA HANOVICE PALERMO  
UNITED STATES MAGISTRATE JUDGE  
Southern District of Texas